

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007-1312

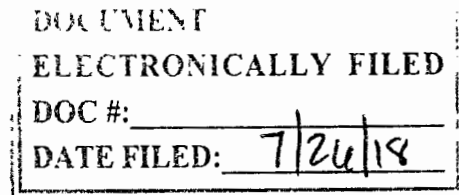
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

212-805-0194

July 26, 2018

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**Re: Alliance Baseball BBA, LLC v. TEN: The Enthusiast Network, LLC, et al.
18 Civ. 4901 (NRB)**

Dear Counsel:

We write to bring to plaintiff's counsel's attention two on point cases reciting what we view as basic legal doctrine and which make it clear that, based on defendants' representations, the absence of complete diversity deprives this Court of subject matter jurisdiction over this case. These cases are Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee, 456 U.S. 694, 702 (1982) (consent of the parties is irrelevant to subject matter jurisdiction), and Velasquez v. Parmalat SPA, No. 99 Civ. 9038 DLC, 2000 WL 294840, at *2 (S.D.N.Y. Mar. 21, 2000) ("A forum selection clause . . . is not sufficient to confer subject matter jurisdiction on this Court."). Plaintiff is directed to promptly notify this Court whether it will voluntarily dismiss this case pursuant to Federal Rule of Civil Procedure 41(a)(1).

Very truly yours,

A handwritten signature in black ink, appearing to read "Naomi Reice Buchwald".

Naomi Reice Buchwald
United States District Judge